

111TH CONGRESS  
1ST SESSION

# S. 349

To establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2009

Mr. CASEY (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Susquehanna Gateway  
5       National Heritage Area Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) numerous sites of significance to the herit-  
9       age of the United States are located within the  
10      boundaries of the proposed Susquehanna Gateway

1 National Heritage Area, which includes the Lower  
2 Susquehanna River corridor and all of Lancaster  
3 and York Counties in the State of Pennsylvania;

4 (2) included among the more than 200 histori-  
5 cally significant sites, structures, districts, and tours  
6 in the area are—

7 (A) the home of a former United States  
8 President;

9 (B) the community where the Continental  
10 Congress adopted the Articles of Confederation;

11 (C) the homes of many prominent figures  
12 in the history of the United States;

13 (D) the preserved agricultural landscape of  
14 the Plain communities of Lancaster County,  
15 Pennsylvania;

16 (E) the exceptional beauty and rich cul-  
17 tural resources of the Susquehanna River  
18 Gorge;

19 (F) numerous National Historic Land-  
20 marks, National Historic Districts, and Main  
21 Street communities; and

22 (G) many thriving examples of the nation-  
23 ally significant industrial and agricultural herit-  
24 age of the region, which are collectively and in-

1           dividually of significance to the history of the  
2           United States;

3           (3) in 1999, a regional, collaborative public-pri-  
4           vate partnership of organizations and agencies began  
5           an initiative to assess historic sites in Lancaster and  
6           York Counties, Pennsylvania, for consideration as a  
7           Pennsylvania Heritage Area;

8           (4) the initiative—

9                   (A) issued a feasibility study of significant  
10           stories, sites, and structures associated with  
11           Native American, African-American, European-  
12           American, Colonial American, Revolutionary,  
13           and Civil War history; and

14                   (B) concluded that the sites and area—

15                           (i) possess historical, cultural, and ar-  
16                           chitectural values of significance to the  
17                           United States; and

18                           (ii) retain a high degree of historical  
19                           integrity;

20           (5) in 2001, the feasibility study was followed  
21           by development of a management action plan and  
22           designation of the area by the State of Pennsylvania  
23           as an official Pennsylvania Heritage Area;

24           (6) in 2008, a feasibility study report for the  
25           Heritage Area—

1 (A) was prepared and submitted to the  
2 National Park Service—

3 (i) to document the significance of the  
4 area to the United States; and

5 (ii) to demonstrate compliance with  
6 the interim criteria of the National Park  
7 Service for National Heritage Area des-  
8 ignation; and

9 (B) found that throughout the history of  
10 the United States, Lancaster and York Coun-  
11 ties and the Susquehanna Gateway region have  
12 played a key role in the development of the po-  
13 litical, cultural, and economic identity of the  
14 United States;

15 (7) the people of the region in which the Herit-  
16 age Area is located have—

17 (A) advanced the cause of freedom; and

18 (B) shared their agricultural bounty and  
19 industrial ingenuity with the world;

20 (8) the town and country landscapes and nat-  
21 ural wonders of the area are visited and treasured  
22 by people from across the globe;

23 (9) for centuries, the Susquehanna River has  
24 been an important corridor of culture and commerce  
25 for the United States, playing key roles as a major

1 fishery, transportation artery, power generator, and  
2 place for outdoor recreation;

3 (10) the river and the region were a gateway to  
4 the early settlement of the ever-moving frontier;

5 (11) the area played a critical role as host to  
6 the Colonial government during a turning point in  
7 the Revolutionary War;

8 (12) the rural landscape created by the Amish  
9 and other Plain people of the region is of a scale and  
10 scope that is rare, if not entirely unknown in any  
11 other region, in the United States;

12 (13) for many people in the United States, the  
13 Plain people of the region personify the virtues of  
14 faith, honesty, community, and stewardship at the  
15 heart of the identity of the United States;

16 (14) the regional stories of people, land, and  
17 waterways in the area are essential parts of the  
18 story of the United States and exemplify the quali-  
19 ties inherent in a National Heritage Area;

20 (15) in 2008, the National Park Service found,  
21 based on a comprehensive review of the Susque-  
22 hanna Gateway National Heritage Area Feasibility  
23 Study Report, that the area meets the 10 interim  
24 criteria of the National Park Service for designation  
25 of a National Heritage Area;

1           (16) the preservation and interpretation of the  
2 sites within the Heritage Area will make a vital con-  
3 tribution to the understanding of the development  
4 and heritage of the United States for the education  
5 and benefit of present and future generations;

6           (17) the Secretary of the Interior is responsible  
7 for protecting the historic and cultural resources of  
8 the United States;

9           (18) there are significant examples of historic  
10 and cultural resources within the Heritage Area that  
11 merit the involvement of the Federal Government, in  
12 cooperation with the management entity and State  
13 and local governmental bodies, to develop programs  
14 and projects to adequately conserve, support, pro-  
15 tect, and interpret the heritage of the area;

16           (19) partnerships between the Federal Govern-  
17 ment, State and local governments, regional entities,  
18 the private sector, and citizens of the area offer the  
19 most effective opportunities for the enhancement  
20 and management of the historic sites throughout the  
21 Heritage Area to promote the cultural and historic  
22 attractions of the Heritage Area for visitors and the  
23 local economy; and

24           (20) the Lancaster-York Heritage Region, a  
25 501(c)(3) nonprofit corporation and State-des-

1       ignated management entity of the Pennsylvania Her-  
 2       itage Area, would be an appropriate management  
 3       entity for the Heritage Area.

4   **SEC. 3. DEFINITIONS.**

5       In this Act:

6           (1) HERITAGE AREA.—The term “Heritage  
 7       Area” means the Susquehanna Gateway National  
 8       Heritage Area established by section 4(a).

9           (2) MANAGEMENT ENTITY.—The term “man-  
 10      agement entity” means the management entity for  
 11      the Heritage Area designated by section 5(a).

12          (3) MANAGEMENT PLAN.—The term “manage-  
 13      ment plan” means the plan developed by the man-  
 14      agement entity under section 6(a).

15          (4) SECRETARY.—The term “Secretary” means  
 16      the Secretary of the Interior.

17          (5) STATE.—The term “State” means the State  
 18      of Pennsylvania.

19   **SEC. 4. ESTABLISHMENT OF SUSQUEHANNA GATEWAY NA-**  
 20                           **TIONAL HERITAGE AREA.**

21          (a) IN GENERAL.—There is established in the State  
 22      the Susquehanna Gateway National Heritage Area.

23          (b) BOUNDARIES.—The Heritage Area shall include  
 24      a core area located in south-central Pennsylvania con-  
 25      sisting of an 1869-square-mile region east and west of the

1 Susquehanna River and encompassing Lancaster and  
 2 York Counties.

3 (c) MAP.—A map of the Heritage Area shall be—

4 (1) included in the management plan; and

5 (2) on file in the appropriate offices of the Na-  
 6 tional Park Service.

7 **SEC. 5. DESIGNATION OF MANAGEMENT ENTITY.**

8 (a) MANAGEMENT ENTITY.—The Lancaster-York  
 9 Heritage Region shall be the management entity for the  
 10 Heritage Area.

11 (b) AUTHORITIES OF MANAGEMENT ENTITY.—The  
 12 management entity may, for purposes of preparing and  
 13 implementing the management plan, use Federal funds  
 14 made available under this Act—

15 (1) to prepare reports, studies, interpretive ex-  
 16 hibits and programs, historic preservation projects,  
 17 and other activities recommended in the manage-  
 18 ment plan for the Heritage Area;

19 (2) to pay for operational expenses of the man-  
 20 agement entity;

21 (3) to make grants to the State, political sub-  
 22 divisions of the State, nonprofit organizations, and  
 23 other persons;



1           (4) to enter into cooperative agreements with  
 2           the State, political subdivisions of the State, non-  
 3           profit organizations, and other organizations;

4           (5) to hire and compensate staff;

5           (6) to obtain funds or services from any source,  
 6           including funds and services provided under any  
 7           other Federal program or law; and

8           (7) to contract for goods and services.

9           (c) DUTIES OF MANAGEMENT ENTITY.—To further  
 10          the purposes of the Heritage Area, the management entity  
 11          shall—

12           (1) prepare a management plan for the Herit-  
 13          age Area in accordance with section 6;

14           (2) give priority to the implementation of ac-  
 15          tions, goals, and strategies set forth in the manage-  
 16          ment plan, including assisting units of government  
 17          and other persons in—

18           (A) carrying out programs and projects  
 19          that recognize and protect important resource  
 20          values in the Heritage Area;

21           (B) encouraging economic viability in the  
 22          Heritage Area in accordance with the goals of  
 23          the management plan;

24           (C) establishing and maintaining interpre-  
 25          tive exhibits in the Heritage Area;

1 (D) developing heritage-based recreational  
2 and educational opportunities for residents and  
3 visitors in the Heritage Area;

4 (E) increasing public awareness of and ap-  
5 preciation for the natural, historic, and cultural  
6 resources of the Heritage Area;

7 (F) restoring historic buildings that are—

8 (i) located in the Heritage Area; and

9 (ii) related to the themes of the Herit-  
10 age Area; and

11 (G) installing throughout the Heritage  
12 Area clear, consistent, and appropriate signs  
13 identifying public access points and sites of in-  
14 terest;

15 (3) consider the interests of diverse units of  
16 government, businesses, tourism officials, private  
17 property owners, and nonprofit groups within the  
18 Heritage Area in developing and implementing the  
19 management plan;

20 (4) conduct public meetings at least semiannu-  
21 ally regarding the development and implementation  
22 of the management plan; and

23 (5) for any fiscal year for which Federal funds  
24 are received under this Act—

1 (A) submit to the Secretary an annual re-  
2 port that describes—

3 (i) the accomplishments of the man-  
4 agement entity;

5 (ii) the expenses and income of the  
6 management entity; and

7 (iii) the entities to which the manage-  
8 ment entity made any grants;

9 (B) make available for audit all records re-  
10 lating to the expenditure of the Federal funds  
11 and any matching funds; and

12 (C) require, with respect to all agreements  
13 authorizing the expenditure of Federal funds by  
14 other organizations, that the receiving organiza-  
15 tions make available for audit all records relat-  
16 ing to the expenditure of the Federal funds.

17 (d) PROHIBITION ON ACQUISITION OF REAL PROP-  
18 erty.—

19 (1) IN GENERAL.—The management entity  
20 shall not use Federal funds received under this Act  
21 to acquire real property or any interest in real prop-  
22 erty.

23 (2) OTHER SOURCES.—Nothing in this Act pre-  
24 cludes the management entity from using Federal  
25 funds from other sources for authorized purposes,

1 including the acquisition of real property or any in-  
2 terest in real property.

3 **SEC. 6. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the  
5 date on which funds are first made available to carry out  
6 this Act, the management entity shall prepare and submit  
7 to the Secretary a management plan for the Heritage  
8 Area.

9 (b) CONTENTS.—The management plan for the Her-  
10 itage Area shall—

11 (1) include comprehensive policies, strategies,  
12 and recommendations for the conservation, funding,  
13 management, and development of the Heritage Area;

14 (2) take into consideration existing State, coun-  
15 ty, and local plans;

16 (3) specify the existing and potential sources of  
17 funding to protect, manage, and develop the Herit-  
18 age Area;

19 (4) include an inventory of the natural, historic,  
20 cultural, educational, scenic, and recreational re-  
21 sources of the Heritage Area relating to the themes  
22 of the Heritage Area that should be preserved, re-  
23 stored, managed, developed, or maintained; and

24 (5) include an analysis of, and recommenda-  
25 tions for, ways in which Federal, State, and local

1 programs, may best be coordinated to further the  
2 purposes of this Act, including recommendations for  
3 the role of the National Park Service in the Heritage  
4 Area.

5 (c) DISQUALIFICATION FROM FUNDING.—If a pro-  
6 posed management plan is not submitted to the Secretary  
7 by the date that is 3 years after the date on which funds  
8 are first made available to carry out this Act, the manage-  
9 ment entity may not receive additional funding under this  
10 Act until the date on which the Secretary receives the pro-  
11 posed management plan.

12 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
13 PLAN.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date on which the management entity sub-  
16 mits the management plan to the Secretary, the Sec-  
17 retary shall approve or disapprove the proposed  
18 management plan.

19 (2) CONSIDERATIONS.—In determining whether  
20 to approve or disapprove the management plan, the  
21 Secretary shall consider whether—

22 (A) the management entity is representa-  
23 tive of the diverse interests of the Heritage  
24 Area, including governments, natural and his-  
25 toric resource protection organizations, edu-

1 educational institutions, businesses, and rec-  
2 reational organizations;

3 (B) the management entity has provided  
4 adequate opportunities (including public meet-  
5 ings) for public and governmental involvement  
6 in the preparation of the management plan;

7 (C) the resource protection and interpreta-  
8 tion strategies contained in the management  
9 plan, if implemented, would adequately protect  
10 the natural, historic, and cultural resources of  
11 the Heritage Area; and

12 (D) the management plan is supported by  
13 the appropriate State and local officials, the co-  
14 operation of which is needed to ensure the ef-  
15 fective implementation of the State and local  
16 aspects of the management plan.

17 (3) DISAPPROVAL AND REVISIONS.—

18 (A) IN GENERAL.—If the Secretary dis-  
19 approves a proposed management plan, the Sec-  
20 retary shall—

21 (i) advise the management entity, in  
22 writing, of the reasons for the disapproval;  
23 and

24 (ii) make recommendations for revi-  
25 sion of the proposed management plan.

1 (B) APPROVAL OR DISAPPROVAL.—The  
2 Secretary shall approve or disapprove a revised  
3 management plan not later than 180 days after  
4 the date on which the revised management plan  
5 is submitted.

6 (e) APPROVAL OF AMENDMENTS.—

7 (1) IN GENERAL.—The Secretary shall review  
8 and approve or disapprove substantial amendments  
9 to the management plan in accordance with sub-  
10 section (d).

11 (2) FUNDING.—Funds appropriated under this  
12 Act may not be expended to implement any changes  
13 made by an amendment to the management plan  
14 until the Secretary approves the amendment.

15 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

16 (a) IN GENERAL.—Nothing in this Act affects the au-  
17 thority of a Federal agency to provide technical or finan-  
18 cial assistance under any other law.

19 (b) CONSULTATION AND COORDINATION.—The head  
20 of any Federal agency planning to conduct activities that  
21 may have an impact on the Heritage Area is encouraged  
22 to consult and coordinate the activities with the Secretary  
23 and the management entity to the extent practicable.

24 (c) OTHER FEDERAL AGENCIES.—Nothing in this  
25 Act—

1           (1) modifies, alters, or amends any law or regu-  
 2           lation authorizing a Federal agency to manage Fed-  
 3           eral land under the jurisdiction of the Federal agen-  
 4           cy;

5           (2) limits the discretion of a Federal land man-  
 6           ager to implement an approved land use plan within  
 7           the boundaries of the Heritage Area; or

8           (3) modifies, alters, or amends any authorized  
 9           use of Federal land under the jurisdiction of a Fed-  
 10          eral agency.

11 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
 12 **TIONS.**

13       Nothing in this Act—

14           (1) abridges the rights of any property owner  
 15           (whether public or private), including the right to re-  
 16           frain from participating in any plan, project, pro-  
 17           gram, or activity conducted within the Heritage  
 18           Area;

19           (2) requires any property owner to permit pub-  
 20           lic access (including access by Federal, State, or  
 21           local agencies) to the property of the property  
 22           owner, or to modify public access or use of property  
 23           of the property owner under any other Federal,  
 24           State, or local law;



1           (3) alters any duly adopted land use regulation,  
 2           approved land use plan, or other regulatory author-  
 3           ity of any Federal, State, or local agency, or conveys  
 4           any land use or other regulatory authority to the  
 5           management entity;

6           (4) authorizes or implies the reservation or ap-  
 7           propriation of water or water rights;

8           (5) diminishes the authority of the State to  
 9           manage fish and wildlife, including the regulation of  
 10          fishing and hunting within the Heritage Area; or

11          (6) creates any liability, or affects any liability  
 12          under any other law, of any private property owner  
 13          with respect to any person injured on the private  
 14          property.

15 **SEC. 9. EVALUATION; REPORT.**

16          (a) IN GENERAL.—Not later than 3 years before the  
 17          date on which authority for Federal funding terminates  
 18          for the Heritage Area, the Secretary shall—

19               (1) conduct an evaluation of the accomplish-  
 20               ments of the Heritage Area; and

21               (2) prepare a report in accordance with sub-  
 22               section (c).

23          (b) EVALUATION.—An evaluation conducted under  
 24          subsection (a)(1) shall—

1           (1) assess the progress of the management enti-  
2       ty with respect to—

3                   (A) accomplishing the purposes of this Act  
4       for the Heritage Area; and

5                   (B) achieving the goals and objectives of  
6       the approved management plan for the Heritage  
7       Area;

8           (2) analyze the Federal, State, local, and pri-  
9       vate investments in the Heritage Area to determine  
10      the leverage and impact of the investments; and

11           (3) review the management structure, partner-  
12      ship relationships, and funding of the Heritage Area  
13      for purposes of identifying the critical components  
14      for sustainability of the Heritage Area.

15       (c) REPORT.—

16           (1) IN GENERAL.—Based on the evaluation con-  
17      ducted under subsection (a)(1), the Secretary shall  
18      prepare a report that includes recommendations for  
19      the future role of the National Park Service, if any,  
20      with respect to the Heritage Area.

21           (2) REQUIRED ANALYSIS.—If the report pre-  
22      pared under paragraph (1) recommends that Fed-  
23      eral funding for the Heritage Area be reauthorized,  
24      the report shall include an analysis of—

1 (A) ways in which Federal funding for the  
2 Heritage Area may be reduced or eliminated;  
3 and

4 (B) the appropriate time period necessary  
5 to achieve the recommended reduction or elimi-  
6 nation.

7 (3) SUBMISSION TO CONGRESS.—On completion  
8 of the report, the Secretary shall submit the report  
9 to—

10 (A) the Committee on Energy and Natural  
11 Resources of the Senate; and

12 (B) the Committee on Natural Resources  
13 of the House of Representatives.

14 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-  
16 priated to carry out this Act \$10,000,000, of which not  
17 more than \$1,000,000 may be authorized to be appro-  
18 priated for any fiscal year.

19 (b) COST-SHARING REQUIREMENT.—The Federal  
20 share of the cost of any activity carried out using funds  
21 made available under this Act shall be not more than 50  
22 percent.

1 **SEC. 11. TERMINATION OF AUTHORITY.**

2       The authority of the Secretary to provide financial  
3 assistance under this Act terminates on the date that is  
4 15 years after the date of enactment of this Act.

